

**UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

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| JOY HARVICK, individually and on<br>behalf of all others similarly situated;<br><br>Plaintiff,<br><br>v.<br><br>ELON MUSK & AMERICA<br>PAC,<br><br>Defendant. | Case No. 1:24-CV-01373-RP<br><br>Related to Case No.: 1:24-cv-1346 |
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**PLAINTIFF’S RESPONSE TO ORDER TO SHOW CAUSE**

Plaintiff Joy Harvick (“Plaintiff”), by and through undersigned counsel, responds as follows concerning service of the Complaint:

1. Plaintiff is one of three plaintiffs who filed substantially identically lawsuits in November 2024 against Elon Musk and America PAC. The other two lawsuits are *McAfferty v. Musk, et al*, No. 1:24-cv-01346-RP, Western District of Texas, and *Alvarez v. Musk, et al*, No. 1:24-cv-01174, Eastern District of Michigan.

2. In late November 2024, a Zoom conference was held between the Plaintiffs’ attorneys in the three lawsuits along with counsel for Defendants Elon Musk and America PAC.

3. During that meeting, Defendants’ counsel agreed to waive service for all three lawsuits.

4. While requests were sent in *McAfferty* and *Alvarez*, and waivers subsequently filed, no request was sent in *Harvick* due to an oversight by clerical staff.

5. Plaintiffs' counsel thought the waiver request had been sent, but was alerted to the oversight by the Court's order.

5. Upon receiving the Court's order, Plaintiff's counsel conferred with Defendants' counsel and provided the request form.

6. On February 28, 2025, a signed Waiver of the Service of Summons on behalf of Defendants was filed. (*See* Doc. 4).

7. Thus, Plaintiff does not require any further extension of time to complete service, and Defendants have agreed to answer the suit by April 26, 2025. Further, Defendants have had notice of the suit since its filing.

8. As such, Plaintiff respectfully requests that the Court retain the suit rather than dismiss without prejudice.

Respectfully submitted,

**FARRAR & BALL, LLP**

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